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C O N F I D E N T I A L SECTION 01 OF 02 ABIDJAN 000112

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TAGS: [PGOV](#) [PREL](#) [KPKO](#) [ASEC](#) [IV](#)  
SUBJECT: GBAGBO USES ARTICLE 48 POWERS TO EXTEND NATIONAL ASSEMBLY'S MANDATE

REF: ABIDJAN 02078

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Classified By: Poloff Phaedra Gwyn for reasons 1.4(a) and (b)

**¶1.** (SBU) Summary: The January 27 extension by Presidential decree of the Mandate of the National Assembly (NA) has further weakened Prime Minister Banny, and continued President Gbagbo's challenge to the International Community. The New Forces, who do not have any deputies in the assembly, have declared for their part that there is no NA. On January 31, on the heels of Prime Minister Banny's mission to South Africa, President Mbeki dispatched a "mediation" delegation to Cote d'Ivoire. The press is reporting that the South African delegation considers the matter of the National Assembly to be a settled question. The New Forces have firmly rebuffed the delegation, refusing to meet with its members, it is unclear whether the South African visit will have any positive effect on the peace process. End Summary

**¶2.** (SBU) On January 28, Desire Tagro, President Gbagbo's spokesperson, announced on the government-owned television station, (RTI), that Gbagbo had invoked emergency powers under Article 48 of the Ivoirian constitution to extend the mandate of the National Assembly (NA). In support of Gbagbo's action, Tagro cited the December 15 ruling by the Ivoirian Constitutional Council, which recommended extension of the NA's mandate to preserve the separation of powers enshrined in the Ivoirian Constitution. The Constitutional Council also cited language in UNSC Resolution 1633, paragraph 11, which calls for the normal functioning of Ivoirian institutions until elections are held as an additional reason for the extension. Tagro also stated that Gbagbo took this action based on the "understanding" he reached with Nigerian President Obasanjo and Prime Minister Banny during Obasanjo's visit to Abidjan on January 18.

**¶3.** (SBU) (Note: To our knowledge, Gbagbo did not consult with Mbeki prior to invoking Article 48 as required by the Pretoria II Agreement. SRSG Pierre Schori disagreed with the Constitutional Council's interpretation and publicly supported the IWG's subsequent recommendation on January 15 to recommend that the Ivoirian government not renew the NA's mandate in accordance with the IWG's interpretation of the Ivoirian constitution. It was the January 15 decision of the IWG that sparked the mass demonstrations, and attacks on the UN Forces and UN Humanitarian sites.)

**¶4.** (SBU) Prime Minister Banny, who was in South Africa the day Tagro announced Gbagbo's decision, has not yet released a statement commenting on the extension. However, according to the French Ambassador, Banny has stated that

he was neither consulted nor would he protest the extension of the NA mandate. This information from the French confirms the interpretation of the situation shared with us by the Secretary General of the UDPICI. According to the UDPICI, Banny has stated that the question of the NA's mandate is a political question, and he is not here to resolve political questions.

¶ 15. (C) Based on Banny's visit to Pretoria, on January 31 President Mbeki sent a delegation to Cote d'Ivoire. The delegation described as part of the "mediation," which was under Mbeki's direction until the AU took back control in November 2005, seems to be a unilateral effort by the South African President. Defense Minister Mosiuoa Lekota and the Deputy Minister of Foreign Affairs, Aziz Pahad, will lead the delegation. The delegation's stated reason for its visit is to assess the "global situation in Cote d'Ivoire," which includes looking at progress toward elections. The delegation will meet with President Gbagbo, Prime Minister Banny, the ruling FPI party and the main opposition parties. It has also expressed an interest in traveling to Bouake to meet with the New Forces.

¶ 16. (C) However, the New Forces, which declared that it "will not join a process in which the National Assembly continues its obstructionist role," have decided to be equally as obstructionist by refusing to receive the South African delegation in Bouake. A New Forces communiquO released January 31, referred to the restructuring of the international community's involvement in the peace process based on UNSC Resolution 1633 and invited South Africa to rejoin the IWG and AU efforts.

¶ 17. (C) Opposition newspapers have been uncharacteristically understated in their denouncement of Gbagbo's decision. If the NA were dissolved, opposition party deputies would also lose their salaries and benefits and the lack of vocal

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protest over the decree to extend the mandate reflects dissent among the rank and file of the opposition parties who want to keep their Assemblymen privileges. The strongest protest against Gbagbo's decree has come from UN Sec. General Koffi Annan, who called the decree "surprising" and not in conformity with the report he received from Obasanjo and the UN SRSG on the outcome of Obasanjo's January 18 visit.

¶ 18. (C) On January 30, the French Ambassador told Ambassador Hooks of his government's pique at Gbagbo's recent gambit. However, given that the International Working Group (IWG) will not meet again until February 17 and given the inaction of the IWG's Mediation Group, which is charged with daily monitoring of the peace process, Gbagbo is likely to get away with his move to reestablish the NA.

¶ 19. (C) Comment: Gbagbo's extension of the NA has once again undermined Banny's authority. Banny seems neither willing nor able to acknowledge his reduced stature, and he seems unable to focus his government on the critical work of unifying the country, commencing DDR, and organizing elections. Banny's decision to travel to South Africa immediately after the Jan 16-20 crisis instead of pushing his team to work with an increased sense of urgency only further increases the perception of drift. End Comment

Hooks